OCKETED PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

10/518436

| 22872 AVENINA EMPRESA | | PCI | | |
|--|---|--|--|--|
| RANCHO SANTA MARGARITA, CA 92688 | | WRITTEN OPINION | | |
| | | | (PCT Rule 66) | |
| | | Date of Mailing | 11 AUG 2004 | |
| Applicant's or agent's file reference | | (day/month/year) REPLY DUE | | |
| P-2553-AL | | | within 2 months/days from the above date of mailing | |
| International application No International filing date | | (day/month/year) | Priority date (day/month/year) | |
| PCT/US03/22752 21 July 2003 (21.07.20 | | | 23 July 2002 (23.07.2002) | |
| International Patent Classification (IPC) | or both national classifica | ition and IPC | | |
| IPC(7): A61B 17/04 and US Cl.: 606/14 Applicant | i3 | | | |
| APPLIED MEDICAL RESOURCES CO | ORPORATION | | | |
| This written opinion is the fu | rst (first, etc.) drawn by | this International Pre | liminary Examining Authority | |
| 2. This opinion contains indicate | | | | |
| | | | | |
| I Basis of the opini | on | | | |
| II Priority | | | | |
| III Non-establishmen | III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | |
| IV Lack of unity of i | nvention | | | |
| | ent under Rule 66 2 (a)(ii) anations supporting such s | _ | y, inventive step or industrial applicability; | |
| VI Certain document | | | | |
| VII Certain defects in | the international applicati | ion | | |
| VIII Certain observation | ons on the international ap | plication | | |
| 3. The applicant is hereby invit | ed to reply to this opinion | n | | |
| | limit indicated above. The | | re the expiration of that time limit, request | |
| | g a written reply, accompa and the language of the ar | | ate, by amendments, according to Rule 66.3. | |
| Also For an addition For the examination of the exa | onal opportunity to submit iner's obligation to consid | amendments, see Ruler amendments and/o | lle 66 4 . or arguments, see Rule 66 4 <i>bis</i> . | |
| | For an informal communication with the examiner, see Rule 66 6 If no reply is filed, the international preliminary examination report will be established on the basis of this opinion | | | |
| | | | | |
| Name and mailing address of the IPEA | | | 1/1/ | |
| Mail Stop PCT, Attn: IPEA/US | , , , , , , , , , , , , , , , , , , , | Authorized officer | + 1 | |
| Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 | l | Gary Jackson | 02) 209 0959 | |

Facsimile No. (703) 305-3230 Form PCT/IPEA/408 (cover sheet)(July 1998)

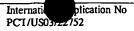


| International cation No. |
|--------------------------|
| PCT/US03/22752 |

| I. | Bas | is of the opinion |
|-------------|----------------|---|
| 1. | With | h regard to the elements of the international application:* |
| | | the international application as originally filed the description: pages 2-11, as originally filed pages 1, filed with the demand pages NONE, filed with the letter of |
| | | the claims: pages 12-17 , as originally filed pages NONE , as amended (together with any statement) under Article 19 pages NONE , filed with the demand pages NONE , filed with the letter of |
| | | the drawings: pages 1-11, as originally filed pages NONE, filed with the demand pages NONE, filed with the letter of |
| | | the sequence listing part of the description: pages NONE , as originally filed pages NONE , filed with the demand pages NONE , filed with the letter of |
| 2. | lang | h regard to the language, all the elements marked above were available or furnished to this Authority in the uage in which the international application was filed, unless otherwise indicated under this item. se elements were available or furnished to this Authority in the following language which is: the language of a translation furnished for the purposes of international search (under Rule23.1(b)). |
| | | the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3). |
| 3. | | h regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written ion was drawn on the basis of the sequence listing: |
| | | contained in the international application in printed form filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished. |
| 4 | \boxtimes | |
| 5 | | the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70 2(c)) |
| * } this | Replac opin | cement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in ion as "originally filed." |

Form PCT/IPEA/408 (Box I) (July 1998)





| Supplemental Box (To be used when the space in any of the preceding boxes is not sufficient) | | | | |
|---|--|--|--|--|
| TIME LIMIT: The time limit set for response to a Written Opinion may not be extended 37 CFR 1 484(d) Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report | | | | |
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